

05-28-04

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**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**  
**(Under 37 CFR 1.97(b) or 1.97(c))**

Docket No.  
 14000.8.1.1

In Re Application of P. Hugh S. West, Jr., et al.

Serial No.  
 10/786,182

MAY 21 2004  
 Filing Date  
 February 25, 2004

Examiner  
 Unassigned

Group Art Unit  
 Unknown

Title: SUTURE SEPARATION AND ORGANIZATION DEVICES FOR USE WITH GRAFT TENSIONING DEVICE

Address to:  
 Assistant Commissioner for Patents  
 Washington, D.C. 20231

**37 CFR 1.97(b)**

1.  The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

**37 CFR 1.97(c)**

2.  The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

- the statement specified in 37 CFR 1.97(e);

OR

- the fee set forth in 37 CFR 1.17(p).

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**  
**(Under 37 CFR 1.97(b) or 1.97(c))**

Docket No.  
14000.8.1.1

In Re Application: **Hugh S. West, Jr., et al.**

Serial No.

10/786,186

Filing Date

February 25, 2004

Examiner

Unassigned

Group Art Unit

Unknown



**Payment of Fee**

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- A check in the amount of \_\_\_\_\_ is attached.
- The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. 23-3178 as described below. A duplicate copy of this sheet is enclosed.
- Charge the amount of \_\_\_\_\_
- Credit any overpayment.
- Charge any additional fee required.

**Certificate of Transmission by Facsimile\***

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (F)

\_\_\_\_\_  
(Date)

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Signature

\_\_\_\_\_  
Typed or Printed Name of Person Signing Certificate

**Certificate of Mailing by First Class Mail**

I certify that this document and fee is being deposited with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

\_\_\_\_\_  
Signature of Person Mailing Correspondence

\_\_\_\_\_  
Typed or Printed Name of Person Mailing Certificate

\*This certificate may only be used if paying by deposit account.

A handwritten signature in black ink, appearing to read "John M. Guynn".

\_\_\_\_\_  
Signature

Dated: May 25, 2004

**John M. Guynn**

Attorney for Applicant

Registration No. 36,153

Customer No. 022913

CC:



PATENT APPLICATION  
Docket: 14000.8.1.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of )  
Hugh S. West, Jr., et al. )  
Serial No.: 10/786,186 ) Art Unit  
Confirmation No.: Unknown ) Unknown  
Filed: February 25, 2004 )  
For: SUTURE SEPARATION AND ORGANIZATION )  
DEVICES FOR USE WITH GRAFT )  
TENSIONING DEVICE )  
Examiner: Unassigned )

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

I hereby certify that following documents are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated below in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Express Mailing No. EV 432690515 US

Date of deposit: May 27, 2004.

- Transmittal for Information Disclosure Statement (2 pgs.)
- Information Disclosure Statement (2 pgs.)
- Form PTO-1449 (5 pgs.)
- Copy of one (1) reference
- Postcard

Respectfully submitted,

Kimberly Kendrick  
Paralegal to John M. Guynn



EXPRESS MAIL NO. EV 432690515 US

PATENT APPLICATION  
Docket No: 14000.8.1.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of )  
Hugh S. West, Jr., et al. )  
Serial No.: 10/786,186 ) Art Unit  
Confirmation No.: Unknown ) Unknown  
Filed: February 25, 2004 )  
For: SUTURE SEPARATION AND ORGANIZATION )  
DEVICES FOR USE WITH GRAFT )  
TENSIONING DEVICE )  
Examiner: Unassigned )

INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed references or relevant portion thereof is also enclosed.

DATED this 25<sup>th</sup> day of May, 2004.

Respectfully submitted,



JOHN M. GUYNN  
Attorney for Applicant  
Registration No. 36,153  
Customer No. 022913

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Express Mailing No. EV 432690515 US

Applicant: Hugh S. West, Jr. et al.

Serial No.: 10/786,186

Atty Docket No. 14000.8.1.1

Filing Date: February 25, 2004

Group Art Unit: Not Yet Assigned

For: SUTURE SEPARATION AND ORGANIZATION DEVICES FOR USE WITH  
GRAFT TENSIONING DEVICEU.S. Patent Documents

<u>Examiner Initial*</u>	<u>Patent Number</u>	<u>Issue Date</u>	<u>Name</u>	<u>Filing Date</u>
_____ A1	Re. 34,293	06/22/93	Goble et al.	05/29/90
_____ A2	Re. 34,762	10/18/94	Goble et al.	09/19/88
_____ A3	3,896,500	7/29/75	Rambert et al.	01/08/74
_____ A4	4,301,551	11/24/81	Dore et al.	07/09/79
_____ A5	4,400,833	08/30/83	Kurland	06/10/81
_____ A6	4,467,478	08/28/84	Jurgutis	09/20/82
_____ A7	4,590,928	05/27/86	Hunt et al.	09/22/81
_____ A8	4,597,766	07/01/86	Hilal et al.	10/26/84
_____ A9	4,605,414	08/12/86	Czajka	06/06/84
_____ A10	4,649,916	03/17/87	Frimberger	07/11/84
_____ A11	4,668,233	05/26/87	Seedhom et al.	07/09/84
_____ A12	4,712,542	12/15/87	Daniel et al.	06/30/86
_____ A13	4,739,751	04/26/98	Sapega et al.	10/03/86

Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

## Form PTO-1449

Express Mailing No. EV 432690515 US

Sheet 2 of 5

Applicant: Hugh S. West, Jr. et al.

Serial No.: 10/786,186

Atty Docket No. 14000.8.1.1

Filing Date: February 25, 2004

Group Art Unit: Not Yet Assigned

For: SUTURE SEPARATION AND ORGANIZATION DEVICES FOR USE WITH  
GRAFT TENSIONING DEVICE

_____ A14	4,744,793	05/17/88	Parr et al.	09/06/85
_____ A15	4,772,286	09/20/88	Goble et al.	02/17/87
_____ A16	4,773,417	09/27/88	Moore et al.	01/05/87
_____ A17	4,834,752	05/30/89	Van Kampen	02/05/88
_____ A18	4,870,957	10/03/89	Goble et al.	12/27/88
_____ A19	4,922,897	05/08/90	Sapega et al.	05/13/88
_____ A20	4,927,421	05/22/90	Goble et al.	05/15/89
_____ A21	4,950,270	08/21/90	Bowman et al.	02/03/89
_____ A22	4,950,271	08/21/90	Lewis et al.	02/06/89
_____ A23	4,969,895	11/13/90	McLeod et al.	01/23/89
_____ A24	4,997,433	03/05/91	Goble et al.	01/16/90
_____ A25	5,037,426	08/06/91	Goble et al.	09/19/88
_____ A26	5,071,420	12/10/91	Paulos et al.	04/25/91
_____ A27	5,108,433	04/28/92	May et al.	02/22/91
_____ A28	5,129,902	07/14/92	Goble et al.	04/20/90

Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

## Form PTO-1449

Express Mailing No. EV 432690515 US

Sheet 3 of 5

Applicant: Hugh S. West, Jr. et al.

Serial No.: 10/786,186

Atty Docket No. 14000.8.1.1

Filing Date: February 25, 2004

Group Art Unit: Not Yet Assigned

For: SUTURE SEPARATION AND ORGANIZATION DEVICES FOR USE WITH  
GRAFT TENSIONING DEVICE

_____ A29	5,139,520	08/18/92	Rosenberg	01/31/90
_____ A30	5,147,362	09/15/92	Goble	04/08/91
_____ A31	5,507,750	04/16/96	Goble et al.	09/16/93
_____ A32	5,562,668	10/08/96	Johnson	04/28/95
_____ A33	5,630,820	05/20/97	Todd	12/05/94
_____ A34	5,713,897	02/03/98	Goble et al.	03/06/97
_____ A35	5,935,130	08/10/99	Kilpela et al.	09/03/97
_____ A36	5,964,764	10/12/99	West, Jr. et al.	03/24/98
_____ A37	5,980,473	11/09/99	Korakianitis et al.	04/07/98
_____ A38	6,001,106	12/14/99	Ryan et al.	09/03/97
_____ A39	6,036,694	03/14/00	Goble et al.	08/03/98
_____ A40	6,171,310	01/09/01	Giordano et al.	03/29/99
_____ A41	6,279,415	08/28/01	Chance et al.	10/27/99
_____ A42	6,364,885	04/02/02	Kilpela et al.	05/27/99

Examiner:

Date Considered:

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Express Mailing No. EV 432690515 US

Applicant: Hugh S. West, Jr. et al.

Serial No.: 10/786,186

Atty Docket No. 14000.8.1.1

Filing Date: February 25, 2004

Group Art Unit: Not Yet Assigned

For: SUTURE SEPARATION AND ORGANIZATION DEVICES FOR USE WITH  
GRAFT TENSIONING DEVICE

#### Other Documents

(including author (if listed), title, relevant pages, date of publication including at least month and year).

Examiner

Initial\*

\_\_\_\_\_ A43 "Intrafix™ Technique for Tibial Fixation of ACL Grafts," Joseph H. Sklar, M.D.,  
Innovative Devices, 1999.

#### **References Cited by Applicants**

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as

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Examiner:

Date Considered:

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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Form PTO-1449

Express Mailing No. EV 432690515 US

Sheet 5 of 5

Applicant: Hugh S. West, Jr. et al.

Serial No.: 10/786,186

Atty Docket No. 14000.8.1.1

Filing Date: February 25, 2004

Group Art Unit: Not Yet Assigned

For: SUTURE SEPARATION AND ORGANIZATION DEVICES FOR USE WITH  
GRAFT TENSIONING DEVICE

references cited by the Examiner on Form PTO-892.

The reference designations "A1", "A2", etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A", "B", "C", etc. on Office Action Form PTO-1142.

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Examiner:

Date Considered:

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